

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 19-00590-RGK (MAAx)

Date December 4, 2019

Title ***RANDOLPH FITCH, et al vs. SHAW INDUSTRIES INC., et al***

Present: The
Honorable

R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order to Show Cause re Amount in Controversy

On April 3, 2019, the Court issued an order finding that Defendant failed to satisfy its burden of establishing subject matter jurisdiction and remanding the action to state court. Defendant appealed the order to the Ninth Circuit Court of Appeal. The Ninth Circuit concluded that Defendant's notice of removal plausibly alleged a basis for federal court jurisdiction, and vacated and remanded the Court's remand order.

The Ninth Circuit has stated that if a complaint does not allege that the amount in controversy has been met, the removing defendant must plausibly allege in its notice of removal that the amount in controversy exceeds the jurisdictional threshold. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 553-54(2014). If the plaintiff contests, or the court questions, the defendant's allegation, the defendant must establish that the jurisdictional requirement has been met by a preponderance of the evidence. *Guas v. Miles, Inc.*, 980 F.2d 564, 566-67 (9th Cir. 1992).

In light of the remand, the Court hereby orders Defendant to show cause in writing and provide facts establishing that the jurisdiction amount in controversy has been met. Defendant's response must be filed no later than **December 10, 2019**, and shall not exceed **five (5) pages** in length.

IT IS SO ORDERED.

Initials of Preparer

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